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Elections to fill vacancies in subsidiary organs and other elections: election of eighteen members of the Human Rights Council

Letter dated 25 March 2009 from the Permanent Representative of Azerbaijan to the United Nations addressed to the President of the General Assembly

I would like to inform you that the Government of the Republic of Azerbaijan has presented its candidature for re-election to the Human Rights Council for the term 2009-2012 at the elections to be held in May 2009 during the sixty-third session of the General Assembly.

Azerbaijan regards the protection and promotion of human rights as an issue of priority for its internal and foreign policy agenda. I therefore have the honour to submit an aide-memoire outlining the voluntary pledges and commitments of the Republic of Azerbaijan with respect to the human rights issues, in accordance with General Assembly resolution 60/251 (see annex).

(*Signed*) Agshin **Mehdiyev**
Permanent Representative

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Annex to the letter dated 25 March 2009 from the Permanent Representative of Azerbaijan to the United Nations addressed to the President of the General Assembly

Aide-memoire on the candidature of the Republic of Azerbaijan to the Human Rights Council 2009-2012

1. Azerbaijan has put forward its candidature for re-election to the Human Rights Council at the elections to be held in May 2009, during the sixty-third session of the General Assembly. It is the view of Azerbaijan that its membership in the Council since 2006 until now, which coincided with the Council's institutional building process, calls for continuation of the country's close participation in its work in order to further contribute to the development of a credible, efficient and vibrant human rights body.

2. Azerbaijan regards the protection and promotion of human rights as an issue of priority for its internal and foreign policy agenda. It assumes that peace and security, development and human rights are cornerstones of the contemporary international relations, while the rule of law, democracy and protection of human rights and fundamental freedoms are key pillars for national development.

3. All human rights and fundamental freedoms set forth in the international documents are enshrined in the Constitution of Azerbaijan. Since regaining its independence in 1991, Azerbaijan became a party to almost all major universal and regional human rights treaties, including seven core United Nations instruments that have established the monitoring mechanism on the implementation of their relevant provisions.

4. Azerbaijan has consistently fulfilled its obligation to report under these treaties to the relevant human rights treaty monitoring bodies and has undertaken follow-up measures based on their recommendations.

5. Azerbaijan has recognized the competence of all human rights treaty monitoring bodies to receive and consider communications from individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation of any of the rights set forth in the relevant human rights instruments.

6. Special emphasis is given to the implementation of the commitments under the human rights instruments, including those enshrined in the Charter of the United Nations and in the human rights treaties adopted within the framework of the Council of Europe.

7. The Government of Azerbaijan has been closely cooperating with the special procedures of the Human Rights Council. It has extended invitations to various mandate holders, thus expressing its readiness to cooperate with them further in the coming years. Azerbaijan is committed to the idea of granting standing invitation to all special procedures.

8. During its membership on the Council, Azerbaijan continued to advance the protection of human rights at the national level and to contribute to international efforts in this field. Several important measures have been taken in the country during recent years, such as the ongoing reforms of the judicial and penitentiary systems, the revision of the Election and Penal Codes, in accordance with the

recommendations of the international organizations, the adoption of the national plan of action for the protection of human rights for 2006-2010 by the presidential decree of 28 December 2006 and the declaration of 18 June as Human Rights Day in Azerbaijan.

9. At the international level, in line with its overall support for the United Nations activities in the field of human rights, Azerbaijan fully supported the reform of the existing United Nations human rights machinery and financially contributed to strengthening of the Office of the United Nations High Commissioner for Human Rights.

10. Azerbaijan views the concept of dialogue in a broad sense of the word, to comprise, inter alia, interaction with civil society and non-governmental organizations, the special procedures of the Human Rights Council, as well as dialogue among civilizations. Contribution to broadening dialogue among civilizations, cultures and religions was one of the voluntary commitments taken by Azerbaijan during its election to the Council for 2006-2009. As a country located at the crossroads of the East and the West, and with its long history of harmonious coexistence between different cultural and religious groups, Azerbaijan has been an active supporter and implementer of different international initiatives aimed at achieving this goal. Outcomes of the conference of the Organization of the Islamic Conference on the "Role of the Media in the Development of Tolerance and Mutual Understanding", held in Baku from 26 to 28 April 2007, and International Forum on "Expanding the Role of Women in Cross-cultural Dialogue", held in Baku on 10 and 11 May 2008, have immensely contributed to the process of highlighting the roles of different sectors of society, including public and commercial media, communication and media training institutions, and other organizations and individuals, in particular the input of women in improving dialogue and mutual understanding among religious and cultural communities.

11. Azerbaijan is also actively engaged in activities aimed at fighting racism and racial discrimination. It served as vice-chair at the Durban Conference, held in South Africa in 2001, and contributed to the drafting of its final outcome documents. Azerbaijan has closely followed the work of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action and takes an active part in the work of the Preparatory Committee for the Durban Review Conference, which is scheduled to take place from 20 to 24 April 2009.

12. At the substantive session of the Economic and Social Council in 2004, in line with its strong commitment to the promotion of gender equality and the advancement of women, Azerbaijan, as a member of the Bureau of the Council, successfully facilitated the consultations and adoption, without a vote, of resolution 2004/4, entitled "Review of Economic and Social Council agreed conclusions 1997/2 on mainstreaming the gender perspective into all policies and programmes in the United Nations system". At both the national and international levels, Azerbaijan proceeds on the basis of the interrelated, interdependent, indivisible and mutually reinforcing nature of all human rights, including the right to development. Azerbaijan believes that there can be no hierarchy among human rights, and that equal focus should be placed on all such rights.

13. On this understanding, Azerbaijan was an active supporter of the mandate of the Working Group on an optional protocol to the International Covenant on

Economic, Social and Cultural Rights, which successfully managed the task of elaborating the Optional Protocol to the Covenant.

14. Azerbaijan intends to make further contributions to United Nations action in the field of human rights and to support the strengthening of the United Nations human rights machinery, in particular the Office of the United Nations High Commissioner for Human Rights (OHCHR), and stresses its commitment to continue its active participation in the work of the Human Rights Council in the spirit of dialogue and cooperation.

15. During the short period of its membership on the Human Rights Council, Azerbaijan has actively contributed to its work. The Permanent Representative of Azerbaijan to the United Nations Office at Geneva was elected as Vice-President and Rapporteur of the Council for 2008-2009, and one of the country's leading human rights experts was elected to the Council's Advisory Committee. Azerbaijan initiated adoption of the resolutions on "Protection of cultural rights and property in situations of armed conflict" and "Missing persons", which received unanimous support of the Council at its sixth and seventh sessions, respectively. Moreover, as the main co-sponsor of the resolution on "Missing persons", Azerbaijan was responsible for the organization of the panel discussion on the matter, which was held in the framework of the ninth session of the Council in September 2008.

16. If re-elected to the Human Rights Council, Azerbaijan will, inter alia, actively contribute to its work, proceeding from the necessity of the realization of all human rights, including the right to development, as well as of rationalizing the system of special procedures. Azerbaijan will continue to place special focus on gender equality, the advancement of women and the rights of the child, as well as on the protection and promotion of human rights of other vulnerable groups.

17. At the national level, Azerbaijan reiterates its readiness to continue its cooperation with the mandate holders of the Council's special procedures, the treaty monitoring bodies and the universal periodic review mechanism and to take measures in line with their recommendations and concluding observations.

18. Azerbaijan has already fulfilled the following commitments and pledges taken on the threshold of its election to the Human Rights Council for 2006-2009:

(a) Ms. A. Jahangir, Special Rapporteur on the freedom of religion or belief (26 February-5 March), Mr. W. Kalin, Representative of the Secretary-General on the human rights of internally displaced persons (2-6 April 2007), and Mr. A. Liqabo, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (22-28 April 2007), have visited Azerbaijan, while the dates of the visit of Mr. L. Despouy, Special Rapporteur on the independence of judges and lawyers, have already been set;

(b) Azerbaijan has served as the regional coordinator of the Eastern European Group and Bureau member during the sixty-second session of the Commission on Human Rights, as well as during the first and second sessions of the Human Rights Council;

(c) At the last, historic, session of the Commission on Human Rights, the delegation of Azerbaijan, in its capacity of regional coordinator, made a statement on behalf of the Eastern European Group covering a wide range of past activities and comprehensive elements concerning future expectations;

(d) The Permanent Representative of Azerbaijan has served as the member of the Ad hoc Working Group on Situations which Reveal a Consistent Pattern of Gross Violations of Human Rights;

(e) Azerbaijan has contributed and actively supported the work of the Working Group on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;

(f) Azerbaijan maintains its support and contribution to the work of the intergovernmental working group on the effective implementation of the Durban Declaration and Programme of Action, consistently taking part in its discussions;

(g) During the formal and informal meetings of and consultations in the working groups established within the Human Rights Council to consider the review and rationalization of the special procedures, Azerbaijan has actively contributed to the discussions, trying to strike a balance between diverging views and genuinely working towards the compromise solutions to various outstanding and pressing issues;

(h) During the sixth session of the Human Rights Council, Azerbaijan initiated the adoption of the resolution on the Protection of cultural rights and property in situations of armed conflict, which received the unanimous support of the Council;

(i) During the seventh session of the Human Rights Council, Azerbaijan put forward a draft resolution on missing persons, which was adopted by consensus;

(j) Azerbaijan has supported the adoption at the Human Rights Council of the draft legally binding instrument for the protection of all persons from enforced disappearances. Azerbaijan has also extended its support for the adoption, by the Council, of the Declaration on the Rights of Indigenous Peoples;

(k) Azerbaijan continues its close cooperation with OHCHR, in particular through a technical cooperation project on strengthening of capacities and infrastructure for the protection and promotion of human rights in Azerbaijan. The second phase of this project was successfully completed at the end of 2006 and the Government of Azerbaijan expressed its interest to continue cooperating with OHCHR to further benefit from its technical and consultative expertise.

19. The following information regards the cooperation of Azerbaijan with the human rights treaty monitoring bodies:

(a) Azerbaijan has already fulfilled the implementation of the recommendations contained in the concluding observations of the Committee on the Rights of the Child on the second periodic report of the Government under the Convention on the Rights of the Child and, following the Committee's recommendation, established the Republican Coordinating Council dealing with children under the auspices of the State Committee for Family, Women and Children's Affairs in 2007;

(b) The combined second and third periodic report to the Committee on the Elimination of Discrimination against Women was submitted in January 2007 and the Government of Azerbaijan continues to implement the recommendations contained in the concluding observations of the Committee;

(c) In 2007, Azerbaijan submitted its third periodic report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(d) In 2007, Azerbaijan submitted its initial report under the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(e) In 2007, Azerbaijan submitted its third periodic report under the International Covenant on Civil and Political Rights;

(f) In 2008, Azerbaijan submitted its combined fifth and sixth periodic report under the International Convention on the Elimination of All Forms of Racial Discrimination;

(g) In 2008, Azerbaijan submitted its fourth periodic report under the Convention on the Elimination of All Forms of Discrimination against Women;

(h) In 2008, Azerbaijan submitted its initial reports under the Optional Protocols to the Convention on the Rights of the Child.

20. Azerbaijan ratified the International Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention against Torture, as pledged in its initial application for membership to the Human Rights Council;

21. Azerbaijan continues to enhance its collaboration with relevant regional organizations, in particular the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE), with a view of ensuring full and efficient promotion and protection of human rights, and takes steps towards improving current legislative framework in the relevant fields. In this regard, in 2007, Azerbaijan submitted its initial report under the European Social Charter (revised) adopted under the framework of the Council of Europe.

22. In line with its commitment to fully and effectively implement its obligations under the international and regional treaties and other documents to which it is a party, Azerbaijan pledges:

At the national level, to:

- Maintain constructive dialogue and cooperation with the special procedures of the Human Rights Council and to extend a standing invitation to all special procedure mandate holders.
- Consider ratification of the International Convention for the Protection of All Persons from Enforced Disappearance.
- Submit the combined third and fourth periodic report under the Convention on the Rights of the Child.
- Submit the next periodic report under the European Social Charter (revised) concerning the application of accepted provisions belonging to the thematic group on health, social security and social protection.
- Submit the national report on the implementation of human rights obligations for the universal periodic review of the Human Rights Council to be held at the fourth session of the working group on the review in 2009.
- Continue implementation of the national action plan on the protection of human rights for 2006-2010.

- Continue implementation of the State programme on the improvement of living conditions and increased employment of refugees and internally displaced persons, including the amendments thereto made by the presidential decree dated 31 October 2007.
- Continue close cooperation with OHCHR in order to strengthen national capacity and fill gaps in the protection and promotion of human rights, in particular with regard to the rule of law and adequate protection for vulnerable groups.
- Continue its cooperation with the human rights treaty monitoring bodies.
- Further enhance collaboration with relevant regional organizations, in particular the Council of Europe and OSCE, with a view to ensuring full and efficient promotion and protection of human rights, especially in the spheres of media and elections, and to take further steps towards improvement of current legislative framework in relevant fields.

At the international level, to:

- Take an active part in the work of the Human Rights Council by promoting development of human rights norms by the Council and by contributing to new international cooperation programmes and initiatives on human rights.
- Cooperate with all stakeholders to promote and protect human rights universally, inter alia, through dialogue, the exchange of expertise, technical cooperation and advice, proceeding from indivisibility and interrelatedness of all human rights, including the right to development.
- Further contribute to broadening the dialogue among civilizations, cultures and religions.
- Endeavour to rationalize and strengthen the system of special procedures.
- Continue to actively participate in the work of the Preparatory Committee of the Durban Review Conference, as well as to contribute to the work of the Conference itself.
- Take an active part in discussions on the reform of the United Nations human rights treaty monitoring bodies.
- Provide financial support to the relevant human rights bodies of the United Nations system, in particular those responsible for child protection, gender equality and the protection of vulnerable groups, and strive for improved and effective coordination among such bodies.